



CITY OF NEW YORK
**MANHATTAN COMMUNITY
 BOARD No. 4**
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Meeting Date	Wednesday, January 4, 2017
Meeting Time	6:30pm
Meeting Location	Fulton Center Auditorium, 119 9th Avenue (17/18 St)
Meeting Audio Recording	LINK

DELORES RUBIN
 Chair

JESSE R. BODINE
 District Manager

January 2017 Full Board Meeting Minutes

PUBLIC HEARING/ PRESENTATION	Public Hearing: Text Amendment – West 23 rd Street, between 11 th & 12 th Avenue (U-Haul Site) Chelsea Land Use Committee Co-Chair Betty Mackintosh explained the issue. The floor was opened. No one signed up to speak. Hearing closed.
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Public Session

Paul Eidol	Mr. Eidol spoke in opposition to the pending Rise Bar application. Mr. Eidol said, “I am all for good neighbors,” but pointed out that Rise Bar is in a residential neighborhood and said he supports a 2am closing, not 4am. Mr. Eidol has been to many block associations and CB committee meetings and has heard from many people about noise caused by Rise and also about the fact that drunken patrons are going onto the neighboring streets after closing during the wee-hours of the morning, which created a lot of disturbance and noise. Mr. Eidol also pointed out that the nearby Alvin Ailey School has students who are toddlers to high school age students. Mr. Eidol said that Rise had presented itself as a quiet lounge and advertised itself as “a bar that you can bring your grandmother to” and Mr. Eidol is not sure that he would bring his own grandmother to Rise. Rise is not a “quiet bar” and some of its online presence suggested that it might not be a comfortable place for grandmothers. The pending petition for karaoke, which is live music, and having a raised stage for karaoke would definitely create a noise disturbance. There are many residents who live on all sides, and loud karaoke would not allow these neighbors to go to sleep and get up for work in Mr. Eidol’s opinion.
John Blair	Mr. Blair is one of the principals of Rise Bar. He spoke about the pending Rise Bar application. Mr. Blair said that Rise was asked by the Community Board to get an independent sound engineer’s report for the above apartments. Rise hired an independent contractor, Al Fierstein of Acoustilog, to assess the noise situation in the apartments and produce the report. The team was not able to get into Apartment 3E. The sound level shown in Apt 2E is ambient noise only. The team did not register music from the karaoke nor from the DJ. The music from the bar was not heard in the hallway, even on the first floor. Mr. Blair said that one of the tenants has had a continuous problem with noise produced by Rise Bar patrons on the street. Rise has since moved such smoking patrons to the south side of the street so they are not right outside her window. Rise Bar has received affidavits in support from 21 residents who live in the building. Rise also has the support of Sen. Brad Hoylman, Manhattan Borough President Gale Brewer, City Councilmember Corey Johnson and Mr. Blair asked the community board members for the “same endorsement” and for the members to vote in support of the pending resolution because he believes that Rise Bar has been a “good neighbor.” Mr. Blair concluded by saying that Rise Bar has had no problems with police and SLA and that complaints are mostly coming from people who do not live near Rise.
Bob Minor	Mr. Minor spoke in opposition to the proposed modifications to Rise Bar’s liquor license. Mr. Minor is the Co-Chair of HK 50/51. Mr. Minor pointed out that the community has been deceived

	<p>repeatedly by the operators of Rise: 2 years ago, Rise was deceptive in its initial liquor license application; 6-8 weeks ago, Rise was deceptive in its request to extend their weekend hours to 4am; and currently, Rise is being deceptive in this new modification of its license. Mr. Minor does not approve of the method Rise has used to achieve its goals: to apply for later hours and now seek an approval for change of its method of operation. Mr. Minor pointed out that there has not been sufficient time for the block associations and community members to review and negotiate the application. The community was surprised to know that the item was being brought straight to the December BLP meeting. Mr. Minor said that the neighborhood members are not in favor of the pending application because Rise had breached its prior stipulations by having karaoke already in its operations. Mr. Minor asked the Board to vote down the stipulations reached at BLP and also reconsider and rescind the letter the Board had sent to the SLA regarding extension of weekend hours from 2am to 4am. Mr. Minor suggested for the Board to rehear all issues surrounding Rise Bar after the community has had time to reorganize and voice their opinion on the matter.</p>
Douglas Leland	<p>Mr. Leland is the President of the Tenant Association at Manhattan Plaza and he spoke about the proposed Playboy Supper Club. Mr. Leland said that he had received a grand tour of the Playboy Supper Club and he understands for it to be a high-end 40-50's style supper club, which appears to be "great." However, Mr. Leland is concerned that the operators returned to the December BLP and rescinded on all the stipulations that they had agreed to at the November meeting. Given the history of the space and the negative experience that the neighborhood has had with the prior operator of XL (ie. sound problems, noise, outdoor issues, and unwillingness to control crowds at late hours), Mr. Leland is in favor of the denial letter as drafted unless the new operators find a way to sufficiently mitigate the issues that have existed in the neighborhood for 5 years now (even though he personally supports the Club). Mr. Leland said he had received a lot of communication from community members about the proposed Playboy Club and no one is in favor of it. Mr. Leland said he has tried to explain to the community members what the Playboy club is in modern terms, but "it is not my job to do your work for you." He encourages the new operators to reach out to the community to explain what their business proposal is.</p>
Anita McDonagh	<p>Ms. McDonagh, who represents the residents of the Park Vandome, spoke in opposition of Rise Bar's pending application. Ms. McDonagh was present at the June 12, 2014 Rise Bar SLA 500ft hearing where the panel unanimously voted to give Rise a 1-year probation with a 2am close. At the time, the SLA overturned CB4's opinion (of a 4am close) because they felt that (1) W 56th Street between 8th & 10th Avenue was "predominately residential" (2) that they were familiar with the owner's reputation as club operators and party promoters, and (3) that the SLA wanted to see if the operators of Rise could behave for a year. In Ms. McDonagh's opinion, Rise has failed the test. Since Rise's opening on November 1, 2015 until two months ago, there has been at least 39 311 complain calls. Rise continuously hosts 4 nights of live music each week, despite the limitation on live music and dancing stipulation that resulted from their 500ft hearing. Rise's premises have a stage, which is not part of the original plans submitted to the SLA. Each night, after 10/11pm in the evenings, Rise turns into a club – tables are cleared and the strobe lights begin. According to Ms. McDonagh, Rise's occupancy often exceeds 74 people. Ms. McDonagh lives within 100ft of Rise Bar. The Park Vandome, with 574 apartments and 900 occupants is the closest building to Rise Bar, yet Rise has never approached its tenant association to reach a compromise even though the Bar has received letters from its Board president and many residents. Ms. McDonagh asked the board members to "not renew a liar and a con-artist by granting the [pending application to] change in method of operation and the 4am close request." Ms. Donagh feels that Rise has been breaching its stipulations during its probation period and believes that the operation will not improve if their application is granted.</p>
Sylvette Sein	<p>Ms. Sein lives in an apartment above Rise Bar and does not support Rise's pending application. She said that the independent sound testing was conducted during the day while Rise was not in full operation. Ms. Sein insisted that Rise has a noise problem and stated that it would be "egregious" to approve the pending application to change Rise's method of operation and allow a 4am closing. Ms. Sein said that Rise is not the best neighbor. Her quality of life is challenged due to Rise's inability to control the sidewalks late at night.</p>
Karyn M. Beck	<p>Ms. Beck lives at the Park Vendome and does not support Rise's pending application. She said that</p>

	<p>while Mr. Blair and his associates have a right to do business, she believes that the operators of Rise should reach out to the residents of the Park Vendome and come to an agreement. She said she doesn't think Rise "has been completely honest with the community" and therefore urged the board members to vote against the pending application.</p>
Chris Costello	<p>Mr. Costello is a sound engineer who lives at 400 W 56th Street in one of the apartments above Rise Bar and he spoke in opposition to the pending Rise Bar application. Mr. Costello said that the stage was installed at Rise, but it was not in the original plans submitted by Rise in 2014. Mr. Costello pointed out that despite the fact that, in 2014, Al Fierstein from Acoustilog made a recommendation of small speakers to be distributed throughout the room to minimize disturbance, the operators installed a PA system with subwoofers. Mr. Costello said that Rise operates as a club. He can hear the music occasionally and the bass travels to his apartment. Mr. Costello feels like the operators have been deceptive and that trust has been breached.</p>
Kevin Callahan	<p>Mr. Callahan is a resident at the Park Vendome and spoke against Rise Bar's pending application. Mr. Callahan has a number of reasons for his opposition: (1) the request of change of operation is not a request because the operators have already been operating with the proposed changes; (2) board members should be offended that a few months ago, the operators sought their extension of hours while they were violating their existing stipulations. Mr. Callahan asked the board members to vote against the pending application and also reverse their decision to support the 4am closing. Mr. Callahan believes that the operators has abused the procedure and have manipulated BLP committee members. Mr. Callahan said that he thinks the operators need to prove themselves as honest operators and good neighbors before they are allowed to change their method of operation.</p>
Donald Bernstein	<p>Mr. Bernstein is an attorney representing Rise Bar. Mr. Bernstein clarified that the pending application concerns Rise's method of operation and does not concern the time of closure. Mr. Bernstein stated that there are two elements to the change of operation request: (1) In 2014, Rise had originally stipulated to no live music. Some people take the position that karaoke is live music and therefore the operators of Rise are being proactive and have returned to BLP to seek approval for karaoke and also use of a piano (which Mr. Bernstein concedes that is not allowable under the original stipulation) (2) Rise has a platform (foot and a half high) that was in the original 2104 photographs submitted to the SLA that it would like to now be included as part of its operations. Mr. Bernstein stated that the BLP Committee, at its December meeting, voted 8-1 in favor of the pending application. Mr. Bernstein also pointed out that the sound engineer, Al Fierstein, performed his test with the sound equipment blasting at full level (93 or 94 decibels) and placed a limiter on the system. He went up to the third floor and could not hear the music but the new limiter will stay in place.</p>
Emanuel Romney	<p>Mr. Romney spoke on behalf of a number of Rise Bar patrons said he is in favor of the board members' approval of the pending application for change of operation to include karaoke.</p>
Ted Arenas	<p>Mr. Arenas is one of the principals of Rise Bar. Mr. Arenas stated that the operators have improved on the sound situation, have worked and continues to work on crowd control, and are trying their best to cooperate with the community. Mr. Arenas said he checks in with Officer Fitzpatrick once a month and Rise has not received any major complaints in over six months.</p>
Manual Franjo	<p>Mr. Franjo is a Rise Bar patron and lives around the corner from the Bar. He said that he is in favor of the board members' approval of the pending application for change of operation to include karaoke.</p>
Brett Rieben	<p>Mr. Rieben spoke in support of Rise Bar. As a patron, Mr. Rieben said that Rise has a welcoming atmosphere and he often brings his parents and his mother-in-law to Rise Bar. He said that Rise "is not the evil place that it is made out to be."</p>
Jeffrey LeFrancois	<p>Mr. LeFrancois spoke on behalf of the Meatpacking Business Improvement District. He made an announcement about the annual January hangover program. The BID is working with 14 area restaurants & bars on the 'drinking up to give back' initiative. For every order of a specific drink by a patron, the restaurant/bar will donate \$1 to the ACLU. See flyers.</p>

Michael Collins	Mr. Collins is a Rise Bar patron and spoke in support of Rise’s pending application. Mr. Collins pointed out that residents on 9 th Avenue (unlike those on the side streets) would always hear street noises. Mr. Collins frequents Rise Bar often and he loves it: it is beautiful and clean and is exactly the type of business that the neighborhood should desire.
David Glasser	Mr. Glasser spoke about the situation at 500 W 28 th Street. It had been suggested that the developer Related might be putting a restrictive covenant on 500 W 28 th Street. Mr. Glaser said that the development rights of the lot have been transferred to the building next door. After months of struggle, DOB has revoked the partial demolition permit because the building has received a violation, the contractor has failed to produce approved plans and flunked the audit.
Holly Kanfer	Ms. Kanfer is the Vice President at 325 W 52 nd Coop. Her written statement was read by Ms. McDonagh: “Rise came before this board touting the fact that our neighborhood needed a gay gentlemen’s lounge, where one could sit and have a conversation. Now they have naked bartenders, promotional bus tours, dancing, singing, and drag shows – a far cry from a gentlemen’s lounge. They want to be competitive with Industry and Therapy – in their own words, which are 2 huge loud bars – again, a far cry from a lounge. They want you to approve later hours and more raucous behavior. Is this what we do now, reward bad behavior by giving them more? The picture of the naked bartender has to be at the very least a health violation, not to mention that there was never a discussion about topless bartenders. If this was a straight bar, wouldn’t the application have had to tell the BLP their intentions of being topless, especially with a large, open front window? Why doesn’t a topless gay bar be held to the same standards as gentlemen’s clubs are held to? I do not think they should be given anything. I think their hours should remain with a 2am closure. We ask the board to deny their request.”

Remarks from Elected Officials and Representatives

Drew Lombardi for BP Gale Brewer	<p>Mr. Lombardi announced that CB applications are due again – for both new members and renewals. Board appointments are 2-year terms. Members should have received an email about the renewals. The BPO is trying to recruit more young people to join CB’s. On January 27 from 4-6pm at 1 Center Street, 19th Floor, current teens serving on CB’s will meet to discuss the benefits of having young people serve. Please invite young people who may be a good fit. For those who prefer, paper application is available.</p> <p>On January 19, CB5 and the Regional Plan Association are sponsoring a forum on moving Madison Square Garden. Expert panelists will discuss the possibility of moving MSG and creating a better Penn Station. The event starts at 7pm at the Robin Williams Center at 247 West 44th Street.</p> <p>On February 12 at 2pm, the BP will give her State of the Borough address. Location TBD.</p> <p>Re the L Train shut down: In early 2019, the L train will be shutting down. BP, along with other elected officials, MTA, and DOT are hosting 2 public workshops to gather input for mitigation measures. The workshops will aim to address the concerns of all those affected along 14th Street, especially small business owners, residents close by, and people with disabilities. There will be one West Side and one East Side workshop. The West Side one will be Thursday, January 26th from 6-8pm at the Hudson Guild Fulton Center.</p> <p>BPO will also be hosting, along with other elected officials, and the Stand for Tenant Safety Coalition, a forum on how to curb tenant harassment. Come to hear organizers talk about how the strategy of tenant harassment is being employed and what can be done to document and fight this displacement tactic. The forum is on Tuesday, January 10th, from 6:30-8:30pm at 1 Center Street, 19th Floor. Please RSVP online or see flyers.</p>
Jeremy Crimm from Congressman	Mr. Crimm is excited to report that the Second Avenue subway is finally open. He reported that more than \$1.3 billion of federal funds went into the project. The Federal Transit Authority has approved

Carolyn Maloney	MTA project development for the second phase to increase service (from 96 th Street) to 125 th Street. It will take two years for the site to go through environmental impact and engineering studies. Upon their completion, MTA will then be eligible for more federal funding. Congressmember Maloney met with President Obama and other congressional Democrats on January 4 to discuss ways to continue to keep the Affordable Care Act and Medicare/Medicaid.
Gabriel Leverstein for PA Latisha James	PA James is hosting training on anti-violence and asks everyone to watch out for his/her neighbors. PA James introduced a Pay Equity bill in NY City Council to ban people from asking for previous salaries on job applications in an effort to close the pay gap for women. The PAO has developed a list of the worst landlords and are coordinated with DeBlasio's office to withhold payments to these landlords who are getting city subsidies from tenants but are refusing to do necessary repairs for tenants.

Board Reports & Business

Adoption of Agenda and Minutes	January meeting agenda was adopted unanimously with #19 tabled. December 2016 minutes were approved unanimously.
District Manager Report	<p>Meetings attended by Mr. Bodine and/or office staff in the month of December 2016:</p> <p>(1) Mr. Bodine attended the Lantern Community Advisory Committee meeting.</p> <p>(2) CB Office organized and ran a construction coordination meeting for W 44th Street between 10th & 11th Avenue with DOB, DOT, and the Office of Emergency Management. There are three very large construction sites that are on the same block as PS 51 and Beacon School.</p> <p>(3) CB4 will continue to hold office hours with NYC Business Solutions in January and February. The next session is on Monday, January 23 (see flyers). In March, there will be a commercial lease training sponsored by CB4, NYC Business Solutions, and the Hudson Yards Hell's Kitchen Alliance.</p> <p>There will be a kickoff meeting for the Harborview Terrace expansion project, which will include 100% affordable housing, in January.</p> <p>CB4 will be hosting a public forum regarding HDFC's to build on the conversation with the community that started at the December Housing, Health and Human Services Committee meeting.</p> <p>Board Business:</p> <p>Clinton/Hell's Kitchen Land Use Committee will be meeting on Wednesday, January 11 at a new location: 554 W 53rd Street Community Room.</p> <p>Waterfront Parks & Environment Committee will be meeting on Thursday, January 12 at a new location: Friends of the High Line, 820 Washington Street Conference Room</p> <p>Chelsea Land Use Committee will be meeting on a new date this month due to the MLK holiday: Tuesday, January 17</p>
Board Chair Report	<p>Ms. Rubin reported on various meetings that took place in the past month.</p> <p>(1) Re 500 West 28th Street: members of Chelsea Land Use Committee met with the developer Related to discuss affordable housing units being demolished within the Special Chelsea District.</p>

(2) Re an update on the Women’s Building, the Co-Chairs of Chelsea Land Use Committee met with the Goren Group.

(3) Re Harborview, Ms. Rubin and others met with NYCHA and Harborview Tenants’ Association about the 100% affordable housing project coming to the development. A kickoff meeting for residents will be organized for later in January.

(4) Re Intrepid, Ms. Rubin and others met with representatives from the Intrepid in hope to improve the relationship. The Intrepid is working hard to be a better neighbor and be in better communication with CB4 by sending along job, educational, and training opportunities to residents of CB4.

(5) Re 340 West 34th Street: Ms. Rubin, along with the Chairs of BLP, met with representatives of Vornado to discuss the project.

Ms. Rubin also kicked off Year 2017 by stating that “there is a lot more work that needs to be done in a lot of different areas.” She pointed out that the annual budget process is very important and reminds committee members to discuss budget priorities and identify community organizations that may benefit from City funds throughout the year. She also mentioned that work surrounding the redevelopment of the Port Authority is very crucial. CB4 members were able to achieve some ground in 2016 and should work hard together to continue the fight. Also, Ms. Rubin suggested that HDFC’s is a huge issue of concern for residents of CB4 in 2017. It is also important for Ms. Rubin to hear from local businesses and do roundtables for small businesses a few times this year.

Action Items	Motions, Amendments, & Comments	Result
Business License and Permits Committee (BLP)		
Item 01: Letter to SLA re: 508-510 West 42 nd Street (11) – Cachet Boutique and Eden Restaurant - RATIFICATION	Bundled with 2, 4-13	PASSED UNANIMOUSLY
Item 02: Letter to SLA re: 512 West 42 nd Street (11) – Playboy Supper Club – RATIFICATION	Bundled with 1, 4-13	PASSED UNANIMOUSLY
Item 03: Letter to SLA re: 859 9 th Avenue (55/56) – Rise Bar NYC, LLC d/b/a Rise Bar & Lounge.	After much debate	24 IN SUPPORT; 10 OPPOSED; 1 PRESENT BUT NOT ELIGIBLE; 1 ABSTAIN
Item 04: Letter to SLA re: 742 9 th Avenue (50/51) – Boxers Enterprises LLC d/b/a Boxers HK.	Bundled with 1, 2, 5-13	PASSED UNANIMOUSLY
Item 05: Letter to SLA re: 357 West 16 th Street (8/9) – LDV 16, LLC d/b/a Number Eight.	Bundled with 1, 2, 4, 6-13	PASSED UNANIMOUSLY
Item 06: Letter to SLA re: 675A 9 th Avenue (46/47) – Kroc Rest Corp. d/b/a The Catalina.	Bundled with 1, 2, 4, 5, 7-13	PASSED UNANIMOUSLY
Item 07: Letter to DCA re: 667 10 th Avenue (46/47) – 667 Tenth Avenue Corp. d/b/a Fast Eddies.	Bundled with 1, 2, 4-6, 8-13	PASSED UNANIMOUSLY
Item 08: Letter to SLA re: 746 10 th Avenue (51) – HSK Hospitality, Inc.	Bundled with 1, 2, 4-7, 9-13	PASSED UNANIMOUSLY

Item 09: Letter to SLA re: 790 9 th Avenue (52/53) – KOK9 LLC d/b/a Kings of Kobe.	Bundled with 1, 2, 4-8, 10-13	PASSED UNANIMOUSLY
Item 10: Letter to SLA re: 321 West 42 nd Street (8/9) – ERA Holdings Corp d/b/a Fuji Hibachi & Snow Face.	Bundled with 1, 2, 4-9, 11-13	PASSED UNANIMOUSLY
Item 11: Letter to SLA re: 623 9 th Avenue (44/45) – BKUK 10 Corp. d/b/a Cara Mia.	Bundled with 1, 2, 4-10, 12, 13	PASSED UNANIMOUSLY
Item 12: Letter to SLA re: 137 West 14 th St (6/7) – MC 137 d/b/a Offside Tavern.	Bundled with 1, 2, 4-11, 13	PASSED UNANIMOUSLY
Item 13: Letter to SLA re: 345 West 35 th Street (8/9) – 35 th Restaurant Group d/b/a Statler II.	Bundled with 1, 2, 4-12	PASSED UNANIMOUSLY
Arts, Culture, Education, and Street Life Committee (ACES)		
Item 14: Letter to SAPO re: Samaritan Day Top Street Festival – 9 th Avenue West 42 nd Street to West 55 th Street in September 2017.	Friendly amendment suggested and accepted	35 IN SUPPORT; 1 OPPOSE
Clinton/Hell’s Kitchen Land Use Committee (C/HKLU)		
Item 15: Letter to HYDC re: Block 4 Concept, Hudson Yards Boulevard Park	Friendly amendment and additional recipients suggested and accepted	34 IN SUPPORT; 2 PRESENT BUT NOT ELIGIBLE
Item 16: Letter to DOB re: proposed demolition on West 39 th Street.	Friendly amendment and additional recipients suggested and accepted	PASSED UNANIMOUSLY
Waterfront, Parks & Environment Committee (WPE)		
Item 17: Letter to DPR re: 20 th Street Park Design.	Friendly amendment suggested and accepted	PASSED UNANIMOUSLY
Transportation Committee (TRANS)		
Item 18: Letter to DOT re: Split Phase Signals at Priority Intersections.	Bundled with 20	PASSED UNANIMOUSLY
Item 19: Letter to DOT re Car Sharing Legislation— Intro No. 873 TABLED		-
Item 20: Letter to DOT re: Street Seats, 511 West 20 th Street and 431 West 37 th Street	Bundled with 18	PASSED UNANIMOUSLY
Chelsea Land Use Committee (CLU)		
Item 21: Letter to HPD and Related Companies re: replacing affordable housing units from 500 West 28 th Street.	Friendly amendment suggested and accepted	PASSED UNANIMOUSLY
Item 22: Letter to DCP re: Text Amendment for West 23 rd Street U-Haul Site.		34 IN SUPPORT; 2 ABSTAIN
Item 23: Letter to LPC re: 438 West 20 th Street for alterations to facade and front door.		PASSED UNANIMOUSLY
New Business		
Item 24: Letter to Ryan Chelsea-Clinton Health Center re: funding support for school-based health facility at Park West Educational campus located at 525 West 50 th Street.	Bundled with 25	PASSED UNANIMOUSLY
Item 25: Letter to New York State Department of Health re: Ryan Chelsea-Clinton Health Center application for school based health facility at park west educational campus located at 525 West 50 th Street.	Bundled with 24	PASSED UNANIMOUSLY

Meeting Resolution

Adjournment	8:52pm - Meeting Adjourned
Next Meeting Date and Location	February 1, 2017 6:30pm Mount Sinai West 1000 10th Avenue (58/59 St)

AS RECORDED BY: Lily Fan, Co-Secretary